

REMARKS

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

I. Amendments to the Specification and Abstract

The specification and abstract have been reviewed and revised to improve their English grammar. No new matter has been added.

II. Amendments to the Claims

Claims 1-48 have been cancelled without prejudice or disclaimer of the subject matter contained therein and replaced by new claims 49-52.

III. Informalities

Claim 48 was objected to in view of various informalities identified on page 2 of the Office Action. Withdrawal of this objection is respectfully submitted since, as mentioned above, claim 48 has been cancelled.

IV. 35 U.S.C. §101 Rejection

Claims 19-33 and 46-48 were rejected under 35 U.S.C. § 101 for failure to recite statutory subject matter. However, this rejection is considered moot based on above-mentioned cancellation of claims 1-48. Furthermore, because each of new claims 49-52 recites statutory subject matter, it is submitted that the rejection under 35 U.S.C. § 101 is inapplicable to new

claims 49-52.

V. 35 U.S.C. § 112, Second Paragraph Rejections

Claims 20-33 and 46-48 were rejected under 35 U.S.C. § 112, second paragraph, for reciting both an apparatus and a process in a single claim. This rejection is considered moot based on the cancellation of claims 1-48. Further, this rejection is believed clearly inapplicable to new claims 49-52 since new claims 49-52 have been drafted to comply with the requirements of 35 U.S.C. § 112, second paragraph.

VI. 35 U.S.C. § 103(a) Rejections

Claims 19-33 and 46-48 were rejected under 35 U.S.C. § 103(a) as being unpatentable in view of Stefik et al. (U.S. 6,236,971). This rejection is considered moot based on the above-mentioned cancellation of claims 1-48. Further, this rejection is believed clearly inapplicable to new claims 49-52 for the following reasons.

New independent claim 49 recites a storage-medium rental system in which a rental agent provides, to a user, a portable storage medium storing a digital work having a right of use that is rented from the rental agent to the user. Specifically, claim 49 recites that the storage-medium rental system includes (i) a portable storage medium that stores the digital work by storing therein content information that is generated by encrypting the digital work based on a content key, and that stores rental disc identification information, as disc identification information, indicating that the portable storage medium is a disc for rental, (ii) a portable semiconductor memory that has an area for securely storing information, (iii) a rental-shop apparatus that

generates right information relating to a right to use the digital work stored by the portable storage medium, and that securely writes the generated right information to the area of the portable semiconductor memory when the portable semiconductor memory is mounted to the rental-shop apparatus at a time of the user renting the portable storage medium, and (iv) a playback apparatus that receives an instruction from the user to play back the digital work, that securely reads the generated right information from the area of the portable semiconductor memory, that judges whether the digital work is allowed to be used, based on the read right information, and when judging that the digital work is allowed to be used, that obtains the content information from the portable storage medium and plays back the digital work based on the content information.

Furthermore, claim 49 recites that, when the digital work stored in the portable storage medium is played back, the portable semiconductor memory and the portable storage medium are mounted in the playback apparatus. Claim 49 also recites that the rental-shop apparatus securely writes the generated right information including an encrypted content key into the area of the portable semiconductor memory, the encrypted content key being generated by encrypting the content key using a device key, and recites that the portable semiconductor memory includes the device key prestored in the area, the device key being unique to the portable semiconductor memory, and includes a decryption unit operable to decrypt the encrypted content key stored in the area using the device key stored in the area to generate the content key, and output the generated content key. Finally, claim 49 recites that the playback apparatus, upon receipt of the instruction from the user to play back the digital work, reads the disc identification information from the portable storage medium, and judges whether the read disc information is rental disc

identification information or sales disc identification information, and when judging that the read disc identification is rental disc identification information, receives the content key from the portable semiconductor memory and generates the digital work by decrypting the read content information using the received content key. Stefik fails to disclose or suggest the above-mentioned distinguishing features as recited in independent claim 49.

Applicants note that although Stefik teaches the use of a reading unit and a portable semiconductor memory, Stefik still fails to disclose or suggest the portable storage medium, the portable semiconductor memory, the rental-shop apparatus, and the playback apparatus of the storage-medium rental system, as recited in claim 49.

Therefore, because of the above-mentioned distinctions it is believed clear that claim 49 and claims 50-52 that depend therefrom would not have been obvious in view of Stefik.

Furthermore, there is no disclosure or suggestion in Stefik or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Stefik to obtain the invention of independent claim 49. Accordingly, it is respectfully submitted that independent claim 49 and claims 50-52 that depend therefrom are clearly allowable over the prior art of record.

VII. Conclusion

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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